EMERGENCY REQUEST/LETTER TO JUSTIN HILL OF OFFICE OF THE ATTORNEY GENERAL; REQUESTING DELAY OF APPEALS OR WRITTEN PERMISSION FROM COMMONWEALTH OF VIRGINIA TO PARTICIPATE IN APPEALS - RE: Case nos. 1424-22, 1425-22, 0313-23-3, 0314-23-3, 0317-23-3, 0289-22-3, 0290-22-3

Monday, June 19, 2023

ATTN: Justin Hill Office of the Attorney General	202 North Ninth Street Richmond, Virginia 23219 Phone: (804) 786-2071

Justin Hill,

I am concerned about the way things are going in the Court of Appeals of Virginia and the filings which just come in (two motions I wasn't even served with a copy) while I cannot participate in my own pending appeal cases. I am attaching a Declaration/Affidavit explaining why.

See DECLARATION OF BRIAN DAVID HILL IN SUPPORT OF EMERGENCY REQUEST/LETTER TO JUSTIN HILL OF OFFICE OF THE ATTORNEY GENERAL; REQUESTING DELAY OF APPEALS OR WRITTEN PERMISSION FROM COMMONWEALTH OF VIRGINIA TO PARTICIPATE IN APPEALS - RE: Case nos. 1424-22, 1425-22, 0313-23-3, 0314-23-3, 0317-23-3, 0289-22-3, 0290-22-3.

I am sorry I never notified the Court of Appeals of Virginia that I was not served with the two motions you had filed with the Court:

1. “Hill 1244, 1245 – Motion for Extension.PDF”
2. “Hill – Motion to Consolidate all 7.PDF”

I have no choice but to write this emergency letter to you asking that

the appeal cases be delayed for the remainder of the six months of me not filing anything pro se until the day after October 13, 2023.

Here are the facts in summary from the Declaration/Affidavit and based on the record of the lower court:

1. I was charged with contempt of court for accusing Judge Greer of fraud in three notices of appeal. I was not accused of lying and I did not threaten any harm against the judge. The contempt charge was over Judge Greer being offended because of me accusing him of fraud. I believe that truthful accusation is protected under the First Amendment of the United States Constitution as those accusations were argued in the notices of appeal which were a petition to the Court of Appeals of Virginia for a redress of grievances of the trial court judge. So in the spirit of the law, I broke no law and never should be convicted of contempt of court. However, my court appointed lawyer said that he refused to argue a First Amendment defense for me and said that I would have to get another lawyer to do it. He also uttered that he would lose his law license if he argued what I had argued in my notices of appeal. I am not a licensed attorney, and am entitled to the First Amendment of the U.S. Constitution as a U.S. Citizen in the Commonwealth of Virginia. This attorney would not present a constitutional defense for me which would require that I be found not guilty of contempt.

2. I expressed my concerns to the court appointed attorney on the issue that since I had accused Judge Greer of fraud on his court record, this judge would be biased or partial. Arguably, this judge has knowledge of the disputed evidentiary facts of me accusing him of fraud on his court record. So for the accusations alone against this judge, he shouldn't even be involved in the contempt case because of the nature and circumstances of this case. But this attorney Fred Smith would not fight for a change of venue and would not fight for recusal. This attorney also said that I would face a jury trial for the contempt case, which is unusual for the case which has been undertaken. So I would face a rigged jury trial in front of the very judge I accused of fraud, TRUTHFULLY in my notices of appeal asking the higher Court to review over the judge's decisions. I would be guaranteed a conviction and 11 days in jail when it operates as a Kangaroo Court jumping

to a predetermined conclusion. This is dangerous for the American republic.

3. The Attorney Fred Smith refused to fight for any constitutional relief, except that I agree not to file pro se for six months in the state courts. I made the verbal agreement not to file in the state courts on April 13, 2023. The date of the end of the six months period of timeout would be on October 13, 2023. I would be allowed to file after October 13, 2023. So that date when I can file in the Court of Appeals of Virginia again would be on October 14, 2023, on a Saturday.

4. Your office never served me with the two motions you had filed. I have a disagreement with the consolidation of all cases which I had found out because of the last court order. Recently I had received a court order about your motion which you had not served me. I assumed that you are asking to consolidate all cases. You have not reviewed over the record of 2023 filings and you were already asking to consolidate all seven cases.

5. The three appeals this year were for denying different motions. For all appeals prior to the year of 2023, they were for denying motions for judgment of acquittal and/or new trial.

6. The three notices of appeal, the three appeals this year are regarding different type of motions denied. They were not asking for a new trial but were over asking for an independent action to address the fraud on the court including recently obtained proof from the new Police Chief Rob Fincher admitting that the Commonwealth's Attorney did not ask the Martinsville Police Department to preserve the body-camera footage. That proves Glen Andrew Hall, Commonwealth's Attorney had willfully ignored and refused to follow court orders from Hon. Giles Carter Greer of the Circuit Court of the City of Martinsville asking for discovery materials to be turned over to defense while this same judge was willing to charge me with a capias for being involuntarily detained at FCI-1 Butner in North Carolina because of failing to appear while I was detained by the Feds; so appearing would have been impossible. So this judge was willing to get me with a capias, but was refusing to get Glen Andrew Hall for willful non-compliance with multiple court orders asking for Brady material, discovery material, including

recorded statements of what defendant made to law enforcment, aka the body-camera footage. The police admitted it was destroyed because Glen Andrew Hall, the Commonwealth's Attorney never asked Martinsville Police Department to preserve that as evidence. This is CORRUPTION, CORRUPTION from the Commonwealth's Attorney Office for the City of Martinsville. They violated court orders and got away with it yet I was charged with contempt for complaining about the judge's bias and prejudicial treatment in my criminal case. This is CORRUPTION.

7. So the three appeals this year, filed this year, were not over motions filed last year which were asking for a new trial or judgment of acquittal. In all of those motions, the judge ruled that he did not have jurisdiction over the motions. However, in the motions filed this year, the judge did have jurisdiction to act on those motions and he denied them. This is clearly not the same thing as last year, and thus I believe that consolidating all cases is not the correct course of action due to circumstances in this year's notice of appeals. I think you should have asked to consolidate all three cases filed this year since it is over the same motions asking for an independent action against the fraud on the court and over asking for reconsideration of the decision denying that motion asking for an independent action.

So I had agreed not to file anything in the state courts until the day after October 13, 2023. I had agreed to this timeout period for things to cool down between Judge Greer and me.

I don't like that your filing additional things without serving me with a copy and I cannot complain about it because on April 13, 2023 I had agreed not to file in the state courts for six months in order for the wrongful charge of contempt of court to be dismissed, for it to go away.

I cannot file, but you can file. As an attorney, you are counsel and are an officer of the court, you must follow your Oath of Office since your a government attorney. It is the job of the Government to protect both parties CONSTITUTIONAL right to due process of law. Both procedural due process of law and substantive due process of law. Since I have filed this

Affidavit with you, you can so notify the Court of Appeals of Virginia that I had agreed in a verbal contract with Fred Smith (due to his negotiation with the special prosecutor for the contempt of court case) not to file anything in the state courts for six months. That ends on October 13, 2023, Friday.

It is your job due to my timeout period, to notify the Court of my situation. You can file a notice or letter then show my Affidavit with the court since you are allowed to file but I cannot file at this time as explained in my Affidavit. I have evidence to back up my affidavit, but I would rather not disclose the methods of the additional evidence due to the severe corruption in the Martinsville Judicial System. I have experienced nothing but corruption and loss of my constitutional rights in the Circuit Court of Martinsville. What a shame since this is the very state/Commonwealth where Patrick Henry was Governor pushing for the Bill of Rights in our Constitution. I have evidence and will not disclose this at this time unless I am called a liar, then I will present this evidence. There are others who have this evidence and are disgusted with the Martinsville judicial system after reviewing over the evidence. Right now, you have my affidavit, and my mother Roberta Hill, Stella Forinash, and Kenneth Forinash can all agree to send you an affidavit upon your request.

Because I cannot file in the Court of Appeals of Virginia or any Virginia state court for six months, I am not permitted to participate in my own appeals because of my verbal agreement with the court appointed defense counsel Fred Smith. If I do file then I risk being given a rigged jury trial for the 11-day jail sentence of contempt of court for me telling the truth to the Court of Appeals of Virginia in my filed notices of appeal. In front of the very judge I accused of fraud, finding me in contempt for my truthful allegations because it offended him or made him feel insulted. We have a First Amendment right, this is NOT North Korea, and this is NOT Soviet Russia, and this is not supposed to be Communist CHINA.

America has not been declared a Communist country. Yet I am being treated like a victim of Communism. Virginia Courts are not under the communist party and the U.S. Constitution is still in effect, and the Virginia Constitution along with its Bill of Rights is still in effect as well. America is

not communist, but I am being treated like I live in a Communist country or in the beginning stages of communism. This is uncalled for.

So you have to remedy this as a government lawyer.

I was being fair with you. I knew when the entire record was not submitted by the former Clerk of the Court, Ashby R. Pritchett, I fought to make sure that the entire record of the Trial Court was submitted to the Court of Appeals of Virginia or you would have been deprived of due process of law by not knowing what was in the record. I always made sure that even when we agree and disagree on things, I made sure that you have a fair chance at presenting the Commonwealth's side of the story. That is why you were served PDF files of my pleadings, because it was easier to copy and paste, and it is easier than reviewing over a bulk of papers/pages. I did what I could as a pro se Appellant to protect both of our rights to due process of law; and made sure that you would receive the entire record of the trial court. I fought for your rights as well as my rights, and now you must fight to ensure that I have my right to finish my remaining appeals, regardless of what the outcome is. I must preserve my right to file a brief, and I only plan to file one brief for the three appeals filed this year. I feel like just one brief is needed for the three appeals filed in February. With how scary Judge Greer is, I am afraid to file anything further in the Circuit Court. That judge scares me with the rumors I heard about him from both inside jail and outside of jail.

Both parties have a right to procedural due process of law.

See Husske v. Commonwealth, 252 Va. 203, 204 (Va. 1996) ("6. The **Due Process clause merely requires that the defendant may not be denied an adequate opportunity to present his claims** within the adversary system.").

I am being denied an adequate opportunity to present my claims because of the agreement I had to have with attorney Fred Smith not to file anything for six months. I did not waive my right to appeal, and I did not waive my right to participate in my appeals. I only agreed not to file in the

state courts for six months. Within six months, I can proceed with the appeals.

That is why my emergency request letter is asking for the following from Appellee(s):

1. That the Appellee(s) so notify the Court of Appeals of Virginia about this letter and about the attached Declaration/Affidavit under penalty of perjury as to why I cannot file in the state courts until the day after October 13, 2023. It is your duty to notify the Court of Appeals of Virginia when I present a compelling reason as to why, as to why I cannot file myself in the Court of Appeals of Virginia. This has nothing to do with any issues regarding e-filing. I can't file in any way, shape, or form in the state courts for six months. I ask you to notify the court, that I be permitted to comply with the verbal agreement or verbal contract between me, my lawyer, and based upon another agreement between Fred Smith and the special prosecutor in the contempt of court case until the agreed upon timeout period has been completed.

2. If the Appellee(s) cannot agree to the above request, then write me back that I have permission from the Office of the Attorney General that I can file in all of my pending appeal cases in the Court of Appeals of Virginia. I request that I receive written permission from the Attorney General or from Assistant Justin Hill, to protect my procedural due process of law, and please let me know in writing that this granted permission will not negatively affect the contempt of court case in any way, shape, or form. You can contact the special prosecutor to seek that I be given permission to file any required pleadings or documents with the Court of Appeals of Virginia. You can explain to the special prosecutor that I do still have procedural due process rights and did not waive my right to finish my remaining appeals but did agree to the timeout period of six months of not filing in any of the Virginia state courts. So you can seek that I be given written permission to file the brief, cite the record, file any necessary motions in the appeals, and be served with your motion to consolidate appeals and be allowed to file a response to explain that the three appeals are different than the other appeals since the pleadings this year are not asking for a new trial or

judgment of acquittal. They are not the same as the appeals filed last year where Judge Greer ruled that he did not have jurisdiction while his orders filed this year said that he did have jurisdiction. Consolidating all may negatively affect my right to file a brief, just one brief, for the three appeal cases. I have no issue with consolidating the three appeals this year. Appealing all pending appeals may complicate my due process right to present a brief for what was denied this year where the court had jurisdiction. The word limits are tough as is.

3. That the Commonwealth of Virginia and City of Martinsville serve me with the missing pleadings noted above. The missing motions for delay and consolidation. I call them missing because I had not received them. I also should have a right to respond to the Motion to consolidate seven. I should have a right to oppose it and be allowed to type up an opposition brief or counter motion asking to consolidate the three appeals this year since the appeals this year the court did rule as to having jurisdiction while the appeals filed last year the judge proclaimed to not having jurisdiction to act on those motions. So consolidating all seven would be confusing and not appropriate for the situation.

I ask that you protect my procedural due process of law since I cannot file at this time until the day after Friday, October 13, 2023. I ask that you notify the Court of Appeals of Virginia about my current situation as described, and that you serve me a copy if you do notify them so that I know that you had done the right thing.

I did not make an agreement not to file with the U.S. District Court for six months, and the U.S. District Court is a federal court.

I ask that you review over this letter and the attached Declaration/Affidavit and acknowledge receipt of it. I have a procedural due process of law right under the constitution to participate in my timely filed appeals. The Supreme Court of Virginia had ruled that I have a right to

have an "**adequate opportunity to present his claims** within the adversary system.". Once appeal became a statutory right, due process of law guarantees the right to present my claims.

I ask that you respond and take appropriate action to remedy this situation within 14 days of receiving this letter. If you cannot guarantee my procedural due process of law right to participate in my own appeals now or if you cannot guarantee my procedural due process of law right to participate in my own appeals after the next business day after the day of Friday, October 13, 2023, then I will consider asking an attorney to file a federal temporary injunction or restraining order asking the Court of Appeals of Virginia to hold off on any further action until I am allowed to file pro se again in the state courts. I am not prohibited from asking a Federal Court to protect my procedural due process of law. Since I cannot file in any state court, only the federal court can give me relief within this six month period. I may even ask the U.S. Supreme Court for an injunction on the Court of Appeals of Virginia to give me time to comply with my agreement not to file pro se in the state courts for six months in Virginia.

I could also file a motion a day after October 13, 2023, asking for delayed appeal, where I present this letter, the attached Affidavit/Declaration and proof that you or any of your staff at the Office of Attorney General had received this letter and attached Affidavit/Declaration . As the officer of the court, it is your duty to notify the Court if I am not permitted to file pro se for six months. I am an Appellant. I am not ordered as to being barred from filing but am complying with an agreement to not file for six months in order to dismiss a contempt of court case filed against me over telling the truth in my notices of appeal which is protected under the First Amendment of the U.S. Constitution.

I do ask that I not be forced to live under Communism type circumstances. America is not supposed to be under Communism. It is communism when I cannot participate in my appeals when the U.S. Supreme Court and Virginia Supreme Court guaranteed all parties (both civil and criminal) the right to present their cause and the right to be heard under Due Process of Law. It is communism when I cannot participate in my

own appeals while you file things against me in the Court of Appeals of Virginia. It is one sided when you can file anything you want against me but I can't file anything and you don't have to serve me with the motions you had filed electronically with the Court.

So for the foregoing reasons and for the facts alleged in my Affidavit/Declaration, I ask that you at least consider my requests in this EMERGENCY LETTER and make sure that I have my procedural due process of law rights.

After October 13, 2023, I can always file a copy of this letter and affidavit with the Court of Appeals of Virginia asking for delayed appeal or vacatur based on you being notified via this letter and not doing anything about it.

I was fair with you, making sure that you have the whole trial court record. I tried to make sure that you have the whole record, to protect due process of law. Now it is your job as an officer of the court to ensure that my rights are protected. Otherwise the judicial system has become as Roger J. Stone said re: Donald Trump case, “a two-tiered justice system”.

America is not Communist or at least not legally supposed to be Communist. Freedom of Speech is not illegal. Telling the truth is not supposed to be illegal. I was charged with contempt for telling the truth, for exercising my right to tell the truth under the First Amendment of the U.S. Constitution. No statute in Virginia gives a judge the right to end the First Amendment of the U.S. Constitution and punish Appellants in the Circuit Court for telling the truth. Telling the truth is not supposed to be illegal.

What the judge had done has been so heinous, such deprivation of my constitutional rights and a mockery of justice, a miscarriage of justice on top of another miscarriage of justice, my friends and family have a page dedicated to me being pardoned by the Governor of Virginia with a petition asking people to vote to have me pardoned for being innocent of my wrongful conviction. Check the links out which my family gave me to use.

Petition - Pardon innocent man Brian D. Hill in Virginia, he has Autism. · Change.org - https://www.change.org/p/pardon-innocent-man-brian-d-hill-in-virginia

Virginia Pardon Brian D. Hill NOW - Justice for Brian D. Hill of USWGO Alternative News - https://justiceforuswgo.wordpress.com/virginia-pardon-now/

I am concerned that the Circuit Court in the City of Martinsville has become a court of fraud and retaliation. Where telling the truth is a misdemeanor, like in "1984" George Orwell's novel, and Brave New World. The same court who convicted seven innocent black men, known as the Marttinsville Seven. I guess that city hasn't changed with convicting innocent people. Lots of people get convicted in Martinsville, there was even a nws article about that. I guess things haven't changed in many years.

Brian D. Hill

God bless you,
Brian D. Hill
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